THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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W.P.No.19143 of 2007

Date: 29-10-2007

Between:

Smt.Macha Vijaya Lakshmi .... Petitioner

And

1.The Tahsildhar
Maredpally Mandal,
Secunderabad
and another. … Respondents

O R D E R:

Petitioner seeks a Writ of Mandamus to declare the action of the first respondent in interfering with her peaceful possession and enjoyment of the petitioner over the property bearing Plot No.226, Trimurthy Co-operative Housing Society, East Marredpally, Secunderabad as illegal, arbitrary.

It is the case of the petitioner that she is the owner of the plot No.226, and one Mr. K. Shanker Rao is the owner of the plot No.242. The said Shanker Rao encroached upon her plot and on a complaint made by her, the second respondent demolished the illegal constructions made by the encroachers. Thereafter, the said Shanker Rao started leaving the drainage water into her plot and caused inconvenience. Petitioner submits that at the instance of the Shanker Rao, the first respondent started interfering with her construction activity and forced her to stop construction. The petitioner accordingly made a representation dated 22.08.2007 before the first respondent to take necessary action against the said Shanker Rao.

A perusal of the said representation, dated 22.8.2007 goes to show that it is only a request made to the first respondent to take action against the said Shanker Rao, but not making any allegations against the first respondent about his alleged illegal interference. Therefore, the learned Government pleader appearing for the first respondent

submits that the dispute between the private individuals i.e. Shanker Rao and petitioner has to be resolved in appropriate Civil Court, but there is no cause of action for filing a writ petition.

In view of the aforesaid facts and circumstances of the case and as the first respondent is no way interfering with the possession and enjoyment of either of the parties, the writ petition is accordingly dismissed with a liberty to the petitioner to get the disputes resolved before the appropriate Court. There shall be no order as to costs.

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V. ESWARAIAH, J

29th October, 2007.
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